

REMARKS/ARGUMENTS

Claims 1-2 and 18 have been amended and claims 3-17 and 19-31 remain unchanged. Thus, claims 1-31 are pending.

Claims 2 and 18 stand rejected under 35 U.S.C. 112, second paragraph, as being indefinite.

Claim 1 stands rejected under 35 U.S.C. 101 as claiming the same invention as that of claims 1 and 2 of prior U.S. Patent No. 6,740,601.

Claims 11-16 stand rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1 and 2 of U.S. Patent No. 6,740,601 in view of Rossman et al. (US 6,559,026).

As amended, all pending claims of the subject application comply with all requirement of 35 U.S.C. Accordingly, Applicants request examination and allowance of all pending claims.

Formal Matters

Applicants appreciate the indication that claims 2 and 4-10 are allowable if rewritten in independent form. As set forth below, Applicants respectfully assert that independent claim 1, from which each of claims 2 and 4-10 depend, is in condition for allowance and thus have not rewritten claims 2 and 4-10 into independent form at this time.

Claim 1 has been amended to correct an inadvertent typographical error (the omission of the word "comprising" after the term "process gas" in line 3 of the claim) that was previously not noticed by Applicants or the Examiner.

The Double Patenting Rejections:

- (1) Claim 1 stands rejected und 35 U.S.C. §101 as claiming the same invention as that of claims 1 and 2 of US Patent 6,710,601.

This rejection is respectfully traversed. Claim 1 of the pending application recites, among other elements: "flowing a process gas a silicon-containing gas, an oxygen-containing gas and a fluorine-containing gas that is different from the silicon-containing gas into the substrate processing chamber" and "depositing the silicon oxide layer over the substrate by

forming a high density plasma from the process gas and biasing the plasma towards the substrate to generate a sputter etching component simultaneous with film deposition, wherein the substrate is heated to a temperature of at least 500°C during deposition of the silicon oxide layer and wherein the deposited silicon oxide layer has a fluorine content of 1.0 at. % or less as measured by using Secondary Ion Mass Spectrometry (SIMS) techniques" (emphasis added).

Applicants have carefully reviewed claims 1 and 2 of the '601 patent and note that neither recites that the fluorine-containing source gas is different from the silicon-containing source gas or that the deposited silicon oxide layer has a fluorine content of 1.0 at. % or less as measured by using Secondary Ion Mass Spectrometry (SIMS) techniques. Accordingly, Applicants respectfully assert that the same invention double patenting rejection of claim 1 is improper and that it be withdrawn.

(2) Claims 11-16 from the parent application were rejected under the judicially created doctrine of obvious-type double patenting as being unpatentable over claims 1 and 2 of U.S. Patent No. 6,740,601.

A terminal disclaimer has been obtained and included with this Amendment to alleviate this double patenting rejection. Since these claims are not subject to any other outstanding rejection, Applicants respectfully assert that claims 1-13 are now in condition for allowance.

Rejection under 35 U.S.C. § 112

Claims 2 and 18 stand rejected under 35 U.S.C. 112, second paragraph, as being indefinite. Claims 2 and 18 have been amended to correct the antecedent basis issue noted in the Rejection. Applicants respectfully request withdrawal of this rejection.

CONCLUSION

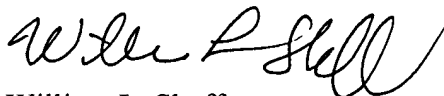
In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

Appl. No. 10/763,018
Amdt. dated November 1, 2004
Reply to Office Action of October 12, 2004

PATENT

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 650-326-2400.

Respectfully submitted,



William L. Shaffer
Reg. No. 37,234

TOWNSEND and TOWNSEND and CREW LLP
Tel: 650-326-2400 / Fax: 415-576-0300
WLS/ka
60342666 v1